IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN
&
THE HONOURABLE MR. JUSTICE V.K.MOHANAN

WEDNESDAY, THE 5TH SEPTEMBER 2007 / 14TH BHADRA 1929

AS.No. 706 of 1996()

OS.281/1990 of PRL.SUB COURT,KOTTAYAM
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APPELLANTS/DEFENDANTS 2 AND 3:
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1. PAWAN KUMAR, BUILDING NO.6191/1 DEV NAGAR, KAROL BAGH, NEW DELHI - 110 005, PARTNER OF M/S.DELHI TRADING CORPORATION, A PARTNERSHIP WITH ITS REGISTERED OFFICE IN BUILDING NO.6191/1/1, DEV NAGAR, KAROL BAGH, NEW DELHI, PIN 110 005. (2ND DEFENDANT IN OS.281/90).

2. MUKESH KUMAR, B/166, YADAV NAGAR, SAMALPUR, BATIL NEAR INTERPUR CHOWK, NEW DELHI, PARTNER OF M/S.DELHI TRADING CORPORATION WITH ITS REGISTERED OFFICE LOCATED A BUILDING LNO.6191/1, DEV NAGAR, KAROL BAGH, NEW DELHI - 110 005 (3RD DEFENDANT IN OS.281/90).

BY ADV. SRI.R.HARIKRISHNAN
SRI.C.A.RAJEEV

RESPONDENTS/PLAINTIFF & DEFENDANTS 1, 4 & 5 & 6:
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1. THE PLANTATION CORPORATION OF KERALA LTD., P.O.BOX NO.12, KOTTAYAM - 686 004.

2. DELHI TRADING CORPORATION, A REGISYTERED PARTNERSHIP FIRM WITH OFFICE IN BUILDING NO.6191/1/1/, DEV NAGAR, KAROL BAGH, NEW DELHI - 686 004.

3. SMT. YASODA PODDAR, NO.37, WEST PATEL NAGAR, NEW DELHI - 110 008, PARTNER OF THE 2ND RESPONDENT FIRM M/S.DELHI TRADING CORPORATION WITH REGISTERED OFFICE IN BUILDING NO.6191/1/1/, NEW DELHI.

4. SMT. SHILPI NARAG, 37 WZ. RATAN PARK, KIRTHINAGAR P.O., NEW DELHI 110 015.

5. M/S.M.B.FREIGHT MOVERS (P) LTD., 29A, SRIHARIRAM GOENKA STSREET, CALCUTTA -700 007.

THIS APPEAL SUITS HAVING COME UP FOR CONSIDERATION ON 05/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

P.R.RAMAN & V.K.MOHANAN, JJ.

A.S.NO.706 OF 1996

Dated this the 5th day of September, 2007

JUDGMENT

Raman, J.

It was ordered by this Court on 7/8/2007 that in case the defects are not cured within one week, the petition and the appeal will stand dismissed. The defects noticed was that notice to the 3rd respondent returned because of incomplete address. Notice to respondents 4 and 5 returned 'not known'. No further steps are taken to cure the defects. Though fresh process to respondents 3 to 5 was paid, it was in the same address. In this connection, notice to the 3rd respondent was returned because of the incomplete address. Appellant has not diligent in giving the correct address to serve notice to the parties.

In the circumstances, the appeal is dismissed for non-prosecution.

Sd/-
P.R.RAMAN,
Judge.

Sd/-
V.K.MOHANAN,
Judge.

kcv.

P.R.RAMAN & V.K.MOHANAN,JJ.

---------- A.S.NO.706 OF 1999 ----------

JUDGMENT

5th September, 2007